



Linda S. Adams
Secretary for
Environmental Protection

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 8685

October 12, 2007

Mr. Mark Black
Agricultural Commissioner
Glenn County Air Pollution Control District
720 North Colusa Street
Willows, California 95988

Dear Mr. Black:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, Office of the State Fire Marshal, and the State Water Resources Control Board conducted a program evaluation of Glenn County Air Pollution Control District's Certified Unified Program Agency (CUPA) on September 26 and 27, 2007. The evaluation was comprised of an in-office program review and field oversight inspections. The State evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, with preliminary corrective actions and timeframes, program observations and recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Glenn County Air Pollution Control District's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Status Reports to Cal/EPA that depict your agencies progress towards correcting the identified deficiencies. Please submit your Deficiency Status Reports to Kareem Taylor every 90 days after the evaluation date. The first deficiency progress report is due on December 26, 2007.

Cal/EPA also noted during this evaluation that Glenn County Air Pollution Control District has worked to bring about a number of local program innovations, including: the distribution of "Grower's Binders" to the business plan community and informing the agricultural community of the Carl Moyer program that provides \$11,000 to qualified handlers. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original signed by Jim Bohon for Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

cc: Mr. Eric Scott, CUPA Manager (Sent Via Email)
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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: Glenn County Air Pollution Control District

Evaluation Date: September 26 and 27, 2007

EVALUATION TEAM

Cal/EPA: Kareem Taylor

SWRCB: Marci Christofferson

OES: Jack Harrah

OSFM: Francis Mateo

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>The CUPA did not report all of its regulated facilities on the Annual Single Fee (Report 2) and Annual Inspection (Report 3) Summary Reports for fiscal year (FY) 06/07.</p> <p>Specifically, the CUPA did not report all of its agricultural handlers regulated under the business plan program. It was stated during the evaluation that Glenn County has 1016 agricultural facilities. Approximately 800 of these facilities are regulated by the CUPA.</p> <p>Title 27, Section 15290 (a)(1)(2) (Cal/EPA)</p>	<p>By December 27, 2007, revise the CUPA's FY 06/07 Annual Summary Reports 2 and 3 to include all the agricultural handlers regulated by the CUPA.</p> <p>Submit revision to Cal/EPA along with the CUPA's first status report.</p>
2	<p>The CUPA's Inspection and Enforcement Plan is missing an enforcement notification procedure for appropriate confidentiality.</p> <p>Title 27, Section 15200 (a)(5)(A) (Cal/EPA)</p>	<p>By December 27, 2007, revise the CUPA's Inspection and Enforcement Plan to include an enforcement notification procedure for appropriate confidentiality.</p> <p>Submit revision to Cal/EPA along with the CUPA's first status report.</p>
3	<p>The CUPA has not met the mandated inspection frequency for the HMRRP program. HMRRP</p>	<p>By September 27, 2009, and annually thereafter, the CUPA will inspect at</p>

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	<p>facilities should be routinely inspected once every three years. According to the summary reports:</p> <ul style="list-style-type: none"> • In FY 06/07, the CUPA performed 54 routine inspections out of 316 HMRRP facilities. The percentage of facilities inspected for FY 06/07 is 17%. • In FY 05/06, the CUPA performed 53 routine inspections out of 277 HMRRP facilities. The percentage of facilities inspected for FY 05/06 is 19%. • In FY 04/05, the CUPA performed 23 routine inspections out of 253 HMRRP facilities. The percentage of facilities inspected for FY 04/05 is 9%. <p>Title 27, Section 15200 (a)(3) (Cal/EPA)</p>	<p>least one third (33% per year) of its HMRRP facilities, including agricultural handlers.</p> <p>By March 27, 2008, the CUPA must develop a plan to insure that each HMRRP facility, including agricultural handlers, is inspected once every three years.</p>
4	<p>The CUPA is not collecting enough revenue to cover the cost of implementing Glenn's Unified Program. In response to the shortfall, the CUPA has raised its local fees. The CUPA's projected budget for FY 07/08 illustrates that there should be a small revenue surplus.</p> <p>The total revenue and expenditures for FY 06/07 were as follows:</p> <p>Total Revenue: \$105,954 Total Expenses: \$169,888</p> <p>HSC, Chapter 6.95, Section 25513 Title 27, Section 15210 (c)(d) (Cal/EPA)</p>	<p>By July 27, 2008, submit a FY 07/08 revenue/expenditures report to Cal/EPA.</p> <p>This deficiency will be considered corrected if the total revenue equals at least 90% of the expenses.</p>
5	<p>The CUPA is not collecting the state surcharge along with its local fees from agricultural handlers.</p> <p>Title 27, Section 15250 (a)(3)(A) (Cal/EPA)</p>	<p>By October 27, 2007, the CUPA must begin collecting the state surcharge as part of its single fee from agricultural handlers. The state surcharge should be collected annually.</p>
6	<p>The CUPA has not met the requirement of obtaining inventories or inventory certifications from each business plan facility on an annual basis. Specifically, inventories from agricultural handlers are obtained at the time of inspection (once every three years).</p>	<p>By September 27, 2008, the CUPA should collect inventories or inventory certifications from all business plan facilities, including agricultural handlers, annually.</p> <p>By March 27, 2008, the CUPA must</p>

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	HSC, Chapter 6.95, Section 25505 (d) (OES)	develop a plan to insure that inventories or inventory certifications are received annually from all business plan participants
7	The CUPA does not have a CalARP dispute resolution procedure. Title 19, Section 2780.1 (OES)	By November 27, 2007, the CUPA must develop a dispute resolution procedure that addresses all of the elements of Title 19 section 2780.1.
8	The CUPA has not been conducting an annual CalARP performance audit. Title 19, Section 2780.5 (OES)	By November 27, 2007, and annually thereafter, the CUPA must perform a CalARP performance audit. This information may be included with the annual Title 27 self-audit.
9	The UST Permit to Operate generated by the CUPA's DMS shows monitoring requirements for the tanks, but does not show the monitoring requirements for the piping. Title 23, Section 2712 (c) (SWRCB)	By December 27, 2007, add the monitoring requirements used for the piping to the Permit to Operate, including UDC monitoring, leak detectors, etc. (This information appears to be in the DMS data tables, so there may be a way to include it on current permits.)
10	Some of the plot plans reviewed did not show the monitoring locations of the tanks, piping, etc. Title 23, Section 2632 (d)(1) (SWRCB)	During the UST inspections, update the facility map/plot plan that shows the monitoring locations of the tank system. By December 27, 2007, submit two facility map/plot plans to Cal/EPA that contain monitoring locations of the tank system.

CUPA Representative

Mark Black
(Print Name)

Original signed
(Signature)

Evaluation Team Leader

Kareem Taylor
(Print Name)

Original signed
(Signature)

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PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section simply address those areas not specifically required of the CUPA by regulation or statute and are provided for continuous program improvement only.

1. **Observation:** The CUPA's draft area plan was well done. Keeping in mind that it is a draft document, OES has made the following observations:
 - The "HMICP", or "Hazardous Materials Incident Contingency Plan", referenced several times in the document, has become the "Hazardous Materials Incident Tool Kit."
 - The area plan checklist (Tab 3) needs to be updated with reference to page numbers, some of which are a few off (probably due to editing of the entire document). For example, the checklist is on page vii, but refers to itself as being on page vi.
 - As of the time of the evaluation, the SB 391 pesticide drift regulations are at the Office of Administrative Law. If the area plan is not finalized by the time those regulations take effect, the pesticide drift protocols must be incorporated into the area plan.

Recommendation: OES recommends that the above items be addressed prior to finalizing the area plan.

2. **Observation:** The CUPA does not obtain hazard class information from regulated businesses. In reviewing files, most of the hazardous materials inventory statements do not contain hazard class information.

Recommendation: Although the hazard class information requirement is not mandatory, it may be important for responders to determine the type & degree of hazard, level of response, and the capability of agencies to respond to incidents.

3. **Observation:** While the "Certification of Return to Compliance" document states that documentation and certification form are to be returned within 30 days, the Notice to Comply states that only the "minor" violations are to be corrected within 30 days. No time frame for correction of Class 1 or Class 2 is mentioned.

Recommendation: Revise the Summary of Violations to state that all violations, including Class I and Class II violations are to be corrected within 30 days or as specified.

4. **Observation:** In the files reviewed, the financial responsibility information was submitted, but, the "Chief Financial Officer Letter" was not submitted annually.

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Recommendation: Ask the facility owner/operator for the Chief Financial Officer Letter during their inspection if it is not submitted to you annually. Financial responsibility supporting documents (Chief Financial Officer letter, self insurance, etc) are required to be updated annually.

5. **Observation:** Many facility files were not organized and items could not be found without searching through the entire file.

Recommendation: Use labeled folders (or six part folder) within the larger hanging file to organize facility documents. Suggested sections include: business plan forms, fees, tank forms and Permit to Operate, Inspections/enforcement/return to compliance, testing reports, maps/confidential section. It might be helpful to bind the documents so that they do not accidentally slip out of the files.

6. **Observation:** The Significant Operational Compliance (SOC) items are not identified on the inspection checklist and not tracked in the database.

Recommendation: Identify SOC items on the inspection checklist and track SOC compliance in a database for ease and accuracy of reporting. As violations are entered into CUPA-DMS for tracking, the CUPA may want to specifically identify SOC violations for easy retrieval. This will be helpful in completing Report 6. A database query function in CUPA-DMS could be used to provide the SOC information.

7. **Observation:** The inspector conducted a thorough UST inspection. Violations were documented and categorized appropriately.

Recommendation: No recommendations.

8. **Observation:** The CUPA is not meeting the inspection frequency for HMRRP facilities. The problem is exacerbated because a possible 800 agricultural handler facilities will be added to the 316 HMRRP facilities that need to be inspected once every three years. The CUPA may not meet the inspection frequency until more inspectors are hired to assist with CUPA duties.

Recommendation: The CUPA should hire more full-time inspectors to assist with the inspections and violation follow-up.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. Outreach to the regulated community has been outstanding. The CUPA newsletters contain information about regulatory compliance, what to expect during CUPA inspections, and common violations. Also, the CUPA has informed the agricultural community of the Carl Moyer program which provides monies (\$11,000) to qualified handlers.
2. The CUPA's draft area plan is thorough and well organized. Once finalized, the document will be quite useful in responding to hazmat emergencies.
3. The CUPA has created "Growers Binders" which are distributed to business plan owner/operators. These binders include all the instructions and forms necessary for facilities to comply with the law more easily. The binders also include information about the management of the following:
 - used oil
 - fuel filters
 - empty hazardous waste/materials containers
 - spent lead-acid batteries.
4. The agency and staff wears "many hats" (Agricultural commission, Air Pollution Control, Weights and Measures, health and safety, and the CUPA). Considering their changes in staff, the agency achieved so much in terms of environmental compliance, advanced technology and education of the regulated community since the 2004 evaluation. The integration of business plan requirements with agricultural commissioner's duties has streamlined the CUPA regulatory process.
5. The CUPA replaced their old excel database with CUPA-DMS in May 2006. The CUPA-DMS efficiently manages data pertaining to violations, inspections, inventory certifications, single fee invoices, and enforcement. The CUPA-DMS can easily complete the Annual Summary Reports by using the recorded data.
6. The CUPA improved their website significantly. The website contains convenient business plan and UST information in pdf. format and "user friendly" business-to-CUPA forms.
7. The CUPA actively communicates, coordinates, and participates in meetings and emergency response exercises with other agencies (Environmental Health, Fire Chiefs, Emergency Services, law enforcement, etc.) to address possible hazardous materials/waste incidents.
8. The CUPA settled two formal enforcement cases:

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- The civil case involving Kwik Serv was settled for \$100,000.
- An AEO case involving Orland Food and Gas was settled for \$1000.